

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1225

AN ACT

AMENDING SECTION 39-121.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 39-121.02, Arizona Revised Statutes, is amended to
3 read:
4 39-121.02. Action on denial of access; costs and attorney fees;
5 damages; declaratory action by public body
6 prohibited
7 A. Any person who has requested to examine or copy public records
8 pursuant to ~~the provisions of~~ this article, and who has been denied access to
9 or the right to copy such records, may appeal the denial through a special
10 action in the superior court, pursuant to the rules of procedure for special
11 actions against the officer or public body.
12 ~~B. If the court determines that a person was wrongfully denied access~~
13 ~~to or the right to copy a public record and if the court finds that the~~
14 ~~custodian of such public record acted in bad faith, or in an arbitrary or~~
15 ~~capricious manner, the superior court may award to the petitioner legal~~
16 ~~costs, including reasonable attorney fees, as determined by the court.~~
17 B. THE COURT MAY AWARD ATTORNEY FEES AND OTHER LEGAL COSTS THAT ARE
18 REASONABLY INCURRED IN ANY ACTION UNDER THIS ARTICLE IF THE PERSON SEEKING
19 PUBLIC RECORDS HAS SUBSTANTIALLY PREVAILED.
20 C. Any person who is wrongfully denied access to public records
21 pursuant to ~~the provisions of~~ this article ~~shall have~~ HAS a cause of action
22 against the officer or public body for any damages resulting ~~therefrom~~ FROM
23 THE DENIAL.
24 D. NOTWITHSTANDING TITLE 12, CHAPTER 10, ARTICLE 2, A PUBLIC BODY
25 SHALL NOT COMMENCE A CIVIL ACTION FOR DECLARATORY JUDGMENT OR DECREE AGAINST
26 A REQUESTOR OF PUBLIC RECORDS UNLESS THE REQUESTOR CONSENTS TO THE CIVIL
27 ACTION FOR DECLARATORY RELIEF IN ORDER TO SETTLE A DISPUTE OVER THE
28 REQUESTOR'S RIGHT TO INSPECT OR COPY THE PUBLIC RECORDS.